IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 1502 OF 2007

Shailesh Bhujangrao Ghadge
v.
Vanita Shailesh Ghadge

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.K.Sable Advocate for Petitioner absent.
None for Respondent though served.

....

CORAM: A.B. CHAUDHARI, J.

DATED : 09th JULY, 2007.

This petition was called out on 25.6.2007 and the same was adjourned for two weeks. Today when the matter was called out for hearing in the morning, the counsel for the petitioner was absent and the matter was kept back. The matter is again called out at 2-30 p.m. and the counsel for the petitioner is absent.

2. Having gone through the petition as well as the accompanying documents

including the impugned order, I find that the Family Court under its order dated 3.3.2007 has ordered the petitioner to suffer simple imprisonment for 12 months or until the payment of maintenance of Rs.21,000/-. The petitioner promptly challenged the aforesaid order in this petition and obtained interim relief from this Court by offering to deposit part amount towards arrears of maintenance to the extent of Rs.12,000/-. After having obtained that order, the petitioner did not deposit even a rupee in this Court and, on the contrary, applied for extension of time by filing C.A. No. 4065/07 for depositing the aforesaid amount of Rs.12,000/- vide application dated 8.6.2007.

3. Para 3 of the finding recorded by the Family Court shows that the petitioner is employed in Railways and despite repeated warrant of arrest issued against him, nothing was recovered from him. The conduct of the

petitioner does not appear to be honest.

4. The present petition could have been dismissed in default, but for the above fact, I do not think it proper to dismiss the writ petition in default. Hence, I confirm the order passed by the Family Court impugned in the present writ petition.

5. In the result, writ petition is dismissed with costs of Rs.3,000/-. The Family Court, Nagpur, is directed to execute its order dated 3.3.2007 for recovering the maintenance amount of Rs.21,000/- with costs of Rs.3,000/- of this petition from the petitioner within a period of one month from the date of receipt of Writ of this Court. Petition disposed of.

JUDGE

/TA/